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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,952	11/17/2006	Nicholas G. Bacopoulos	24852-501-CIP5-NATL	5498

35437 7590 04/08/2008

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ATTN: PATENT INTAKE CUSTOMER NO. 35437
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER	
SZNAIDMAN, MARCOS L	

ART UNIT	PAPER NUMBER
1611	

MAIL DATE	DELIVERY MODE
04/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,952	BACOPOULOS ET AL.	
	Examiner	Art Unit	
	MARCOS SZNAIDMAN	1611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-20* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2, 4-6, 9-10 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a hydroxamic acid derivative represented by the structures of claims 4, 5, 6 and 10.

Group II, claim(s) 1, 3, 4-6, 9-10 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a hydroxamic acid derivative, represented by the structures of claims 4, 5, 6 and 10.

Group III, claim(s) 1-2, 7, 9-10 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a hydroxamic acid derivative, represented by the structures of claims 7 and 10.

Group IV, claim(s) 1, 3, 7, 9-10 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an

effective amount of a pharmaceutical composition comprising a hydroxamic acid derivative, represented by the structures of claims 7 and 10.

Group V, claim(s) 1-2, 8, 9-10 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a hydroxamic acid derivative, represented by the structures of claims 8 and 10.

Group VI, claim(s) 1, 3, 8, 9-10 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a hydroxamic acid derivative, represented by the structures of claims 8 and 10.

Group VII, claim(s) 1-2, 9, 11 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a cyclic tetrapeptide, represented by the structures of claim 11.

Group VIII, claim(s) 1, 3, 9, 11 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a cyclic tetrapeptide, represented by the structures of claim 11.

Group IX, claim(s) 1-2, 9, 12 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a short chain fatty acid (SCFA), represented by the structures of claim 12.

Group X, claim(s) 1, 3, 9, 12 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising short chain fatty acid (SCFA), represented by the structures of claim 12.

Group XI, claim(s) 1-2, 9, 13 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a benzamide derivative, represented by the structures of claim 13.

Group XII, claim(s) 1, 3, 9, 13 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a benzamide derivative, represented by the structures of claim 13.

Group XIII, claim(s) 1-2, 9, 13 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising an electrophilic ketone derivative, represented by the structures of claim 14.

Group XIV, claim(s) 1, 3, 9, 13 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising an electrophilic ketone derivative, represented by the structures of claim 14.

Group XV, claim(s) 1-2, 15 and 16-20, drawn to a method of treating mesothelioma in a subject, the method comprising administering the subject an effective

amount of a pharmaceutical composition comprising a natural product, represented by the structures of claim 15.

Group XVI, claim(s) 1, 3, 15 and 16-20, drawn to a method of treating diffuse large B-cell lymphoma in a subject, the method comprising administering the subject an effective amount of a pharmaceutical composition comprising a natural product, represented by the structures of claim 15.

The inventions listed as Groups I-XVI, do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is no common technical feature in all groups: each groups treats a different disease: mesothelioma or B-cell lymphoma with different structures: hydroxamic acids, short chain fatty acids (SCFA), benzamide derivatives, etc.

Elections

Elections for Groups I-XVI

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

If applicant elects Groups I or II: hydroxamic acid derivatives represented by the structures of claims 4-6 and 10.

If applicant elects Groups III or IV: hydroxamic acid derivatives represented by the structures of claims 7 and 10.

If applicant elects Groups V or VI: hydroxamic acid derivatives represented by the structures of claims 8 and 10.

If applicant elects Groups VII or VIII: cyclic tetrapeptides represented by the structures of claim 11.

If applicant elects Groups IX or X: short chain fatty acid (SCFA) represented by the structures of claim 12.

If applicant elects Groups XI or XII: benzamide derivatives represented by the structures of claim 13.

If applicant elects Groups XIII or XIV: electrophilic ketone derivatives represented by the structures of claim 14.

If applicant elects Groups XV or XVI: natural products represented by the structures of claim 15.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Electing a compound that is not specifically disclosed as filed may be considered new matter.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: 1-20.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: they are structurally different compounds, which depending on the substituents could belong to different classes and sub-classes and require different search queries and consequently can show different biological activities.

Inventorship Notice

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS SZNAIDMAN whose telephone number is (571)270-3498. The examiner can normally be reached on Monday through Thursday 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on 571 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLS
April 1, 2008

/Michael P Woodward/
Supervisory Patent Examiner, Art Unit 1615